



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

MAR 19 2019

Brian Powell, Jr., Vice President
William F. Sullivan & Co, Inc.
107 Appleton Street
Holyoke, MA 01040

Re: Clean Air Act Reporting Requirement

Dear Mr. Powell:

The United States Environmental Protection Agency ("EPA") is evaluating whether William F. Sullivan & Co, Inc. ("Sullivan") is in compliance with the Clean Air Act ("Act") and requirements promulgated under the Act at its facility located at 107 Appleton Street in Holyoke, Massachusetts. These requirements include the Stratospheric Ozone Protection Regulations found at 40 Code of Federal Regulations ("CFR") Part 82, Subpart F.

In accordance with Section 608 of the Act, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 CFR Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances and their substitutes. The purpose of the regulations is to reduce emissions of class I and class II¹ refrigerants and their non-exempt substitutes to the lowest achievable level during the service, maintenance, repair, and disposal of "**appliances**." Please note that in this context, "**appliance**" means any device which contains and uses a class I or class II substance or substitute as a refrigerant and which is used for household or commercial purposes, including air conditioner, motor vehicle air conditioner, refrigerator, chiller, or freezer.

Under 40 CFR §82.155(b), final processors (i.e., persons – including but not limited to scrap metal recyclers and landfill operators – who take the final step in the disposal process of appliances) are required to:

- Recover any remaining refrigerant from the appliance in accordance with 40 CFR §82.155(a); or

¹ See 40 CFR Part 82, Subpart A, Appendix A and B for a list of class I and class II substances.

- Verify using a signed statement or a contract that all refrigerant that had not leaked previously has been recovered from the appliance or shipment of appliances in accordance with 40 CFR § 82.155 (a). If using a signed statement, it must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered. If using a signed contract between the supplier and the final processor, it must either state that the supplier will recover any remaining refrigerant from the appliance or shipment of appliances in accordance with 40 CFR § 82.155 (a) prior to delivery or verify that the refrigerant had been properly recovered prior to receipt by the supplier. See 40 CFR §82.155(b)(2).
 - If all refrigerant has leaked out of the appliance, the final processor must obtain a signed statement that all the refrigerant in the appliance has leaked out prior to delivery to the final processor and recovery is not possible. "Leaked out" in this context means those situations in which the refrigerant has escaped because of system failures, accidents, or other unavoidable occurrences not caused by a person's negligence or deliberate acts such as cutting refrigerant lines. See 40 CFR §82.155(b)(2)(iii).
 - In addition, it is a violation of 40 CFR Part 82, Subpart F to accept a signed statement or contract if the person receiving the contract knew or had reason to know that the signed statement or contract is false. See 40 CFR §82.155(b)(2)(i).
- Maintain signed statements on-site for a minimum of three years (see 40 CFR §82.155(c)).

Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with the Act and its implementing regulations.

Sullivan is required to provide all of the information outlined below within 60 days of the date Sullivan receives this letter. Provide a separate response to each numbered paragraph or subparagraph below. Where possible, provide responses in an electronic spreadsheet format (preferably Microsoft Excel).

- 1) Provide the following ownership information for Sullivan:
 - a) Describe the ownership and business structure;
 - b) Indicate the date and state of incorporation;
 - c) List any partners or corporate officers; and
 - d) List any parent and subsidiary corporations.
- 2) Provide the annual quantity of appliances received in 2016, 2017 and 2018.
- 3) Provide a list of customers that delivered appliances to Sullivan, including but not limited to cities, towns, boards of health, waste hauling companies, highway departments,

recycling centers, and housing authorities.

- 4) For all customers identified in question 3, provide copies of any and all contracts or written agreements Sullivan has with these customers.
- 5) Explain in detail how Sullivan processes appliances prior to crushing at the facility or prior to shipment elsewhere for further processing. Specifically:
 - a) Provide copies of any standard operating procedures, employee training materials, presentations, training schedules, etc.;
 - b) Describe the process of evacuating refrigerant from appliances including where the evacuated refrigerant is stored;
 - c) If refrigerant is removed prior to arrival of the appliances at the scrap yard, provide copies of all signed verification statements from January 2016 to the present; and
 - d) Provide a list of all scrap metal dealers with which Sullivan maintains long-standing business relationships.
- 6) Indicate where Sullivan has shipped recovered refrigerant from 2016 to the present and provide any records/receipts of the amount of recovered refrigerant shipped offsite.

Be aware that if Sullivan does not provide the information required in this Reporting Requirement in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

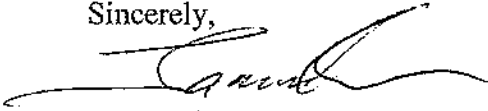
You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

Provide the above-required information to:

US EPA Region 1
Office of Environmental Stewardship
Mail Code OES04-2
5 Post Office Square, Suite 100
Boston, Massachusetts, 02109-3912
Attn: Abdi Mohamoud

If you have any questions regarding this Reporting Requirement, please contact Abdi Mohamoud at (617) 918-1858 or have your attorney call Tom Olivier at (617) 918-1737.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Chow', with a long horizontal flourish extending to the left.

James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship

cc: Saadi Motamedi, MassDEP